

REMARKS

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed herein. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

Claim Rejections

Claims 1-9, 11-14, 18-27, 29-31, and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohata et al. (US 6,469,978) in view of Sasaki (US 2003/0033475) further considered with Tobita et al. (US 6,275,436).

Claims 16 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohata et al. in view of Sasaki further considered with Tobita et al. and Evans et al. (US 6,311,060).

Claims 17 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohata et al. in view of Sasaki further considered with Tobita et al. and Official Notice.

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ohata et al. in view of Sasaki further considered with Tobita et al. and Nakatani et al. (US 2002/0114614).

Arguments

Applicant respectfully submits that, in view of the following arguments, the pending claims clearly specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

35 U.S.C. §103(a) rejections based on Ohata, Sasaki, and Tobita

As recited in claim 1 of the present invention, "before formatting the optical recording medium is finished, if a host computer transmits a **data reading command** to the optical recording device, the optical recording device ***inspects the***

corresponding flag, according to the address in the data reading command, to judge whether the packet in the optical recording medium has not been formatted and not recorded any digital data; if the packet has not been formatted and not recorded, the optical recording device then **transmits a unformatted message to the host computer**" (claim 1 of the present invention) (*Emphasis added*).

Regarding the above limitation of claim 1, the Examiner states that FIG. 3 of Sasaki teaches interrupting the formatting operation and recording then updating the formatting table. In response, Applicant submits the above recited limitation of claim 1 is different from "interrupting the formatting operation and recording then updating the formatting table" and is not taught in FIG. 3 of Sasaki.

Sasaki teaches that in step S2 of FIG. 3, "whether the host computer **requests for data storage**" is checked. [0046], lines 7-9 (*Emphasis added*). In comparison, in claim 1 of the present invention, Applicant checks "if a host computer transmits a data reading command to the optical recording device." A data storage request is different from a data reading command. It follows that the conditions in FIG. 3 of Sasaki and claim 1 are clearly different from one another.

Further, in FIG. 3 of Sasaki, "if the host computer requests for data storage, main control unit 9 interrupts the background formatting (step S3) and stores data as requested by the host computer (step S4)." [0046], lines 10-13. In other words, if data storage is requested in Sasaki, the background formatting is interrupted and data is directly stored. FIG. 3 of Sasaki does not teach anything about **inspecting the corresponding flag, according to the address in the data reading command** as recited in claim 1. Moreover, FIG. 3 of Sasaki also does not teach "judging whether the packet in the optical recording medium has not been formatted and not recorded any digital data."

Furthermore, after storing data, FIG. 3 of Sasaki only teaches storing data storage status information in the FDCB (step S5) and resuming the background formatting (step S6) ([0047], lines 14-17). FIG. 3 of Sasaki does not mention anything about **transmitting an unformatted message to the host computer** as recited in claim 1 of the present invention.

Based on the arguments above, Applicant submits that FIG. 3 of Sasaki does not teach the above-noted limitation of claim 1. Accordingly, Applicant further

submits that Ohata, Sasaki, Tobita, or their combination do not render claim 1 obvious.

Similarly, claim 19 of the invention also recites "before finishing formatting the optical recording medium, if a host computer transmits a data reading command to the optical recording device, the inspecting and judging module will inspect the flag, according to the address in the data reading command, to judge whether the packet in the optical recording medium is not formatted and not recorded any digital data; if the packet has not been formatted and not recorded, the inspecting and judging module then transmits an unformatted message to the host computer." Accordingly, the arguments set forth above regarding claim 1 also apply to claim 19. Applicant respectfully requests withdrawal of the rejections of claims 1 and 19.

It is submitted that Ohata, Sasaki, and Tobita do not disclose, teach, or suggest modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed method and structure.

Evans et al., Nakatani et al. and Official Notice are all cited as teaching various limitations of Applicant's dependent claims. Applicant does not necessarily acquiesce to these characterizations and notes that, in any event, the references fail to provide the above-noted deficiencies of Ohata, Sasaki, and Tobita. It follows a combination of Ohata, Sasaki, Tobita, Evans et al., Nakatani et al. and Official Notice would still fail to disclose, teach, or suggest modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed method and structure.

Applicant submits that the dependent claims 2-9, 11-18, 20-27, and 29-34 not specifically addressed herein are allowable for the reasons discussed in pertinent portions associated with their independent claims 1 and 19, as well as for their own additional features. Applicant respectfully requests withdrawal of the rejections. Reconsideration of claims 1-9, 11-27, and 29-34 is respectfully requested.

Application No. 10/623,596


Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: February 14, 2008

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